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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/025,266
		Filing Date*	December 18, 2001
		First Named Inventor	Roy Want
		Art Unit	2143
		Examiner Name	Nguyen, Phuoc
Total Number of Pages in This Submission		Attorney Docket Number	42390P12017

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Signature	<i>Gordon R. Lindeen III</i>
Date	March 8, 2006

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# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT** (\$) 500.00

## Complete if Known

Application Number	10/025,266
Filing Date	December 18, 2001
First Named Inventor	Roy Want
Examiner Name	Nguyen, Phuoc
Art Unit	2143
Attorney Docket No.	42390P12017

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## FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500.00
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2)					500.00

## SUBMITTED BY

## Complete (if applicable)

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## Patent



**In re the Patent Application of:**

Serial No.: 10/025, 266

Filed: December 18, 2001

For: Portable Memory Device

Art Unit: 2143

Examiner: Phuoc, H.

**APPEAL BRIEF**  
**IN SUPPORT OF APPELLANT'S APPEAL**  
**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant (hereafter “Appellant”) hereby submits this Brief in triplicate in support of its appeal from a final decision by the Examiner, mailed October 7, 2005 in the above-captioned case. Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the above-captioned patent application.

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**I. REAL PARTY IN INTEREST**

The invention is assigned to Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95052-8119.

**II. RELATED APPEALS AND INTERFERENCES**

To the best of Appellant's knowledge, there are no appeals or interferences that are related to, will directly affect, will be directly affected by, or have a bearing on the Board's decision in the present appeal.

**III. STATUS OF THE CLAIMS**

Claims 1-37 are currently pending in the above-referenced application. No claims have been allowed. All pending claims were rejected in the Final Office Action mailed October, 7 2005, and are the subject of this appeal.

All pending claims stand rejected under 35 U.S.C. § 102. Claims 4, 5, and 21-23 additionally stand rejected under 35 U.S.C. § 103.

**IV. STATUS OF AMENDMENTS**

In response to the Final Office Action mailed on October 7, 2005, rejecting claims 1-37, Appellant timely filed a Notice of Appeal on January 9, 2006.

A copy of all claims on appeal is attached hereto as Appendix A.

## V. SUMMARY OF THE CLAIMED SUBJECT MATTER

A large number of portable computer devices are available in the market place. Typical examples of these devices are personal digital assistants (PDAs), personal computers (PCs), cellular telephones, portable audio players (e.g., MP3 players), digital watches, or the like. Typically, these devices all have different computing capabilities and a single user typically has two or more of these devices which are usually used independently to perform different tasks. The result is that a user has data stored in several different sources and thus all the user's data is not always readily at hand. Further, due to the low form factor of some portable devices, their user interfaces may be rather limited and circumstances may arise where the user has access to a more convenient access device with a better user interface but needs to access data on the portable device.. *See Background of the Invention, page2, lines 6-16.*

However, one problem presented with any portable wireless device is battery life. The claimed embodiments of the present invention are designed to minimize power consumption.. *See, page 10, line 13 – page 11, line 4.*

Claim 1: The arguments of this brief are presented in the context only of Claim 1, however, examples of components of the other independent claims as shown in the drawings are pointed out for the Board's convenience. Turning to the first independent claim, to resolve the above problem and others, the present invention presents a portable memory device (*See Figure 1, 14*). The apparatus of Claim 1 comprises:

a wireless communication module 16, 22 to communicate with an access device 12 in a wireless fashion (*See page 4, lines 11-14, page 4, line 16-page 5, line 8*);

a data storage module 36 to store bulk data (*See page 5, line 13- page 6, line 7*);  
and

a controller 24 connected to the communication module 22 and to the data storage module 36, the controller controlling storage of data in the data storage module and retrieval of data from the data storage module (*See page 6, line18 – page 7, line 4*) in

response to requests from a user via the access device 12 (*page 4, lines 9-10, page 8, line 10 – page 9, line 4*), the controller including a processor that operates in a standby mode 76 (*See page 11, lines 5-10*) when the device is not being used, and a first 84 (*See page 9, lines 8-15, page 11, lines 2-7, see also state 80, page 12, lines 6-11*) and a second active mode 82 (*See page 9, line 15 – page 10, line 2, page 11, line 20 – page 12, line 2*), the processor being configured to have greater processing capabilities in the second active mode (*See page 10, line 18 – page 11, line 4*).

Claim 15 is directed to a data processing system that comprises the portable memory device of Claim 1 in combination with a plurality of use access devices. Figure 1 shows an access device 12 in the form of a PC. Figure 4 shows a plurality of access devices 92-106 described briefly on page 13, lines 5 et seq.

Claim 24 presents the invention as a wireless interface. The reference numbers in the drawing corresponding to elements of this apparatus are pointed out below. The corresponding portions of the written description are the same as for Claim 1, above.

a wireless communication module 22 to communicate with an access device 12 in a wireless fashion;

a connector (*See page 5, lines 15-18 and the line between IDE in I/O Controller 48 and storage 36*) to connect to a data storage module 36 which operatively stores bulk data; and

a controller 24 connected to the communications module and to the connector, the controller controlling the storage of data in the data storage module and the retrieval of data from the data storage module in response to requests from a user via the access device, the controller including a processor 38 that operates in a standby mode 76 when the device is not being used, and a first 80, 84 and a second 82 active mode, the processor being configured to have greater processing capabilities in the second active mode.

Claim 28 is presented as method of operating the portable memory device with the following elements:



providing a portable memory device 14, which includes a wireless communication module 16, 22;

sensing at a memory device when the memory device is in proximity to an access device (*See page 8, lines 13-17, page 11, lines 9-13, page 18, lines 11-15*);

establishing wireless communication with the access device through a wireless communications module 22 of the memory device 14;

communicating data between the memory device and the access device through the communications module; and

operating a processor 38 of the memory device in a standby mode 76 when the memory device is not being used, and one of a first 80, 84 and a second 82 active mode when the memory device is being used, the processor being configured to have greater processing capabilities in the second active mode.

The invention, as claimed, allows the user to use the portable memory device with a wide range of different devices and for a wide range of different application with the minimum power consumption for each instance and accordingly, the maximum battery life.

## **VI. GROUND OF REJECTION**

A. Claims 1-37 stand rejected claims under 35 U.S.C. §102 (b) as being anticipated by Weiser, et al., ("Weiser") U.S. Patent No.5,982,520.

B. Claims 4, 5, and 21-23 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Weiser in view of Barnard, ("Barnard") U.S. Patent No. 6,456,938.

Ground B relies on ground A. A separate review of ground B is not sought by this appeal.

No claims were indicated as allowable.

## **VII. ARGUMENT**

This argument is directed against the first ground of rejection identified at Section VI.A. (claims 1-37 as anticipated by Weiser). The second ground for rejection relies on the first ground of rejection and is not discussed separately. Accordingly, all of the claims stand or fall together.

Weiser shows a "personal storage device" with rugged casing, a small display, input buttons, a processor, and a wireless (IR) transceiver. See Figure 2 and Column 4, line 54 to Column 5, line 4.

### **THE CLAIMED INVENTION IS NOT ANTICIPATED BECAUSE WEISER FAILS TO SHOW A FIRST AND A SECOND ACTIVE MODE AND FAILS TO SHOW THAT THE PROCESSOR IS CONFIGURED TO HAVE GREATER PROCESSING CAPABILITIES IN THE SECOND ACTIVE MODE.**

The Examiner has rejected claims 1-37 under 35 U.S.C. §102 (b) as being anticipated by Weiser, et al., ("Weiser") U.S. Patent No.5,982,520. Weiser describes a device that is designed simply for the transfer of data and information (see Summary and use examples at Col. 4, lines 44-46. While "the processor is capable of running small programs or applications" (Col. 5, lines 5-6), these are not described. While "processing speed is determined by processor clock rate, and processing may be intermittent to reduce power consumption" (Col. 5, lines 6-8), only two operational modes are described, power-down mode and powered-up state (Col. 7, lines 42 et seq.). It seems that in the power-down mode, the processor can detect the system switches and wake up. In powered-up state it runs at full power.

The present application presents a mobile device that runs in at least six different power states as shown in Figure 3. Some aspects of these states have been introduced into Claim 1. Claim 1 recites, for example, "the controller including a processor that

operates in a standby mode when the device is not being used, and a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode."

Applicants respectfully submit that Weiser neither teaches nor suggests the use of two active modes and a standby mode. The Examiner has cited Col. 7, lines 40-65 of Weiser against Claims 8 and 9, however, this section does not suggest the three modes of Claim 1, as amended. This section describes only two modes, power-down and powered up and describes switching between the two modes.

In the Examiner's Response to Arguments in the final Office action of October 7, 2005, the Examiner suggests that Weiser shows three modes: 1) power down mode; 2) power up mode; and 3) power down mode with reset inhibit control signal disabled (i.e. a reset signal may be received).

Applicants first respectfully submit that Weiser does not actually show three different modes. Reading Column 7, lines 41-65, the device begins in the power down mode with reset enabled. When it receives a reset signal, it asserts "reset inhibit." This is part of entering the power up state (Col. 7, lines 47-53). It does not appear to be a separate mode. Instead, it is part of a state transition. Note that "reset inhibit" is only asserted as a part of going to the power up mode. Looked at more accurately, asserting "reset inhibit" is part of the power up mode. Reset remains inhibited during all of the power up state. Then, if there is no activity, the device disables "reset inhibit" as part of entering the power down mode (Col. 7, lines 58-60).

Even if Weiser shows three different "modes," the modes of Claim 1 do not read on the Examiner's three Weiser "modes" because the Examiner's Weiser "modes" are two standby "modes" (power down 1 and power down 3) and only one active "mode" (power up mode). Claim 1 has one standby mode and two active modes.

The modes of Claim 1 also do not read on the Examiner's three Weiser "modes" because Claim 1 has two active modes with two different levels of processing capability. While the power up "mode" of Weiser may have a different level of processing capability than the two power down "modes," the two power down "modes" would appear to have the same level of processing capability. The only difference is that in the one "mode" reset is enabled and in the other reset is disabled.. The only possible activity with reset enabled is receiving the reset signal. The only possible activity with reset disabled is transitioning to the power up "mode," as explained in the next paragraph beginning Col. 8, line 66.

Similar limitations are recited in Claims 15, 24, and 28 which are believed to be allowable on the same grounds provided above with respect to Claim 1. The remaining claims are dependent on one of Claims 1, 15, 24, or 28 and are believed to be allowable therefor as well as for the limitations expressly set forth in each claim, respectively.

### **VIII. CONCLUSION**

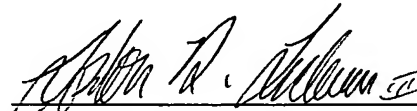
Appellant respectfully submits that all the appealed claims in this application are patentable and requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

This brief is submitted in triplicate, along with a check for \$500.00 to cover the appeal fee for one other than a small entity as specified in 37 C.F.R. § 1.17(c). Please charge any shortages and credit any overpayment to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: March 8, 2006



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**IX.**

**APPENDIX OF CLAIMS (37 C.F.R. § 1.192(c)(7))**

1. A portable memory device including:
  - a wireless communication module to communicate with an access device in a wireless fashion;
  - a data storage module to store bulk data; and
  - a controller connected to the communication module and to the data storage module, the controller controlling storage of data in the data storage module and retrieval of data from the data storage module in response to requests from a user via the access device, the controller including a processor that operates in a standby mode when the device is not being used, and a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode.
2. A device as claimed in Claim 1, in which the wireless communication module is a radio frequency (RF) transceiver.
3. A device as claimed in Claim 2, in which the wireless communication module communicates using a standardized communication protocol.
4. A device as claimed in Claim 2, in which the wireless communication module communicates using Bluetooth IEEE 802.15 technology.
5. A device as claimed in Claim 4, in which the wireless communication module includes Bluetooth hardware interacting with a Bluetooth software stack.
6. A device as claimed in Claim 5, in which the controller includes a host control interface (HCI) to interface the controller to the wireless communication module in a serial fashion.
7. A device as claimed in Claim 6, in which the HCI is a USB interface.

8. A device as claimed in Claim 1, wherein the controller adjusts its processor to operate in one of at least two different modes dependent upon a type of the access device.

9. A device as claimed in Claim 8, in which the processor runs application software dependent upon the type of the access device.

10. A device as claimed in Claim 1, in which the wireless communication module operates in a dormant mode when not communicating with the access device, and in an active mode when communicating with the access device.

11. A device as claimed Claim 8, in which the clock frequency of the processor is adjusted to a first clock speed for the first active mode and a second clock speed in the second active mode.

12. A device as claimed in Claim 11, in which the supply voltage to the processor is provided at a first voltage for the first active mode and a second voltage for the second active mode.

13. A device as claimed in Claim 12, which includes a DVM (Dynamic Voltage Management) module for adjusting the processor voltage dependent upon whether the processor is in the standby mode, the first active mode, or the second active mode.

14. A device as claimed in Claim 1, which includes a rechargeable power supply for powering its various components, and a display to form a self-contained functional unit when not used in conjunction with the access device.

15. A data processing system, which includes:

a plurality of access devices, each access device including at least a wireless communication interface; and

at least one portable memory device which includes:

a wireless communication module to communicate in a wireless fashion with the wireless communication interface of any one of the access devices when in proximity to the access device;

a data storage interface connected to a data storage module; and

a controller connected to the communication module and to the data storage interface, the controller controlling storage of data in the data storage module and retrieval of data from the data storage module in response to requests from a user via any one of the access devices, the controller including a processor that operates in a standby mode when the device is not being used, and a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode.

16. A system as claimed in Claim 15, in which the portable memory device communicates data stored in the data storage module exclusively via the access device.

17. A system as claimed in Claim 15, in which the data storage module is releasably connected to the data storage interface to allow a user to store and retrieve data from a connected data storage module via the access device in a wireless fashion.

18. A system as claimed in Claim 15, in which the data storage module forms an integral part of the portable device, the device including a compact portable housing for housing its various components and modules.



19. A system as claimed in Claim 18, in which the portable device includes a power source including an attachment arrangement releasably to attach a power source to a complementary attachment arrangement of the housing.

20. A system as claimed in Claim 19, in which the power source is a rechargeable battery source and the portable device includes a charger circuit for charging the battery without removing it from the housing.

21. A system as claimed in Claim 15, in which the data storage module is a semiconductor memory selected from the group including a FLASH memory, DRAM memory and SRAM memory.

22. A system as claimed in Claim 15, in which the data storage module is a magnetic memory device in the form of a disk drive.

23. A system as claimed in Claim 15, in which the data storage module is an optical storage device.

24. A wireless interface including:

a wireless communication module to communicate with an access device in a wireless fashion;

a connector to connect to a data storage module which operatively stores bulk data; and

a controller connected to the communications module and to the connector, the controller controlling the storage of data in the data storage module and the retrieval of data from the data storage module in response to requests from a user via the access device, the controller including a processor that operates in a standby mode when the

device is not being used, and a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode.

25. A wireless interface as claimed in Claim 24, in which the communication module is a radio frequency (RF) transceiver.

26. A wireless interface as claimed in Claim 25, in which the wireless communication module communicates using a standardized communication protocol.

27. A wireless interface as claimed in Claim 25, in which the communication module communicates using Bluetooth IEEE 802.15 technology.

28. A method including:  
providing a portable memory device which includes a wireless communication module;

sensing at a memory device when the memory device is in proximity to an access device;

establishing wireless communication with the access device through a wireless communications module of the memory device; communicating data between the memory device and the access device through the communications module; and

operating a processor of the memory device in a standby mode when the memory device is not being used, and one of a first and a second active mode when the memory device is being used, the processor being configured to have greater processing capabilities in the second active mode.

29. A method as claimed in Claim 28, which includes determining the processing capabilities of the access device and adjusting a level of processing by the a

processor between the first and the second active modes of the dependent upon the processing capabilities of the access device.

30. A method as claimed in Claim 29, which includes running application software on the processor when the memory device has a greater processing capability than the access device.

31. A method as claimed in Claim 30, which includes running application software on the access device when the access device has sufficient processing capabilities, and storing data in and retrieving data from the memory device as required by the application software.

32. A method as claimed in Claim 29, which includes operating a processor of the memory device in one of at least two different active modes dependent upon a type of the access device.

33. A method as claimed in Claim 32, which includes operating the processor to drive a user display and control buttons of the memory device.

34. A method as claimed in Claim 28, in which the processor is switched between the first and second active modes by adjusting its supply voltage.

35. A method as claimed in Claim 28, in which the communication module operates in a dormant mode in which its power consumption is reduced when not communicating with the access device, and in an active mode when communicating with the access device.

36. A method as claimed in Claim 35, which includes adjusting the processor voltage dependent upon whether it is operating in the first or the second active mode.

37. A method as claimed Claims 35, which includes adjusting the clock frequency of the processor when the processor is switched between the first and the second active modes.